IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 10568 of 2007(G)

AS.45/2007 of SUB COURT, MUVATTUPUZHA

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PETITIONER:

THE KERALA AGRICULTURAL RURAL DEVELOPMENT SOCIETY (KARDS) (A SOCIETY REGISTERED UNDER THE SOCIETIES REGISTRATION ACT, 1860) ANGADI KARA, KOTHAMANGALAM VILLAGE, REPRESENTED BY ITS PRESIDENT, SHRI.JOSE.T.J.

BY ADV. SRI.S.V.BALAKRISHNA IYER (SR)
SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN
SMT.GEETHA P.MENON

RESPONDENTS:

1. SHIBU KURIAKOSE, S/O.KURIAKOSE, PARACKAL HOUSE, ANGADI KARA, KOTHAMANGALAM VILLAGE AND TALUK.

2. BIJU KURIAKOSE, S/O.KURIAKOSE, DO. DO.

3. KOCHUTHRESSIA ANTONY, W/O.ANTONY, POTHANICADU HOUSE, KOTHAMANGALAM VILLAGE AND TALUK.

4. ANTONY, S/O.PAUL ANTONY, DO. DO.

5. GEORGE ANTONY, S/O.PAUL ANTONY, DO. DO.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

W.P.(C)No. 10568 of 2007 G

JUDGMENT

The petitioner is the Kerala Agricultural Rural Development Society. They filed O.S.No.311/03 before the Munsiff's Court, Muvattupuzha for an interim injunction restraining the respondents from forcibly evicting them from the scheduled property, otherwise then under due process of law. An interim order was also obtained in the said suit restraining forcible eviction and the court below directed the parties to maintain status quo till the disposal of the suit. It is submitted that the said status quo order was in force till the disposal of the suit by the trial court. It is also submitted that the trial court further stayed operation of its decree till 28.3.2007, after dismissing the suit enabling the petitioner to seek reliefs from the appellate court.

2. The petitioner filed A.S.No.45/07 before the Sub Court, Muvattupuzha. But, they could not obtain any interim order, as Respondents 1 to 4 had filed caveat. Counsel for the petitioner submits that though notice was given to the counsel appearing for the caveators, he refused to accept the notice and consequently, in compliance with the order of the first appellate court, notices were issued to all respondents, but that, respondents 1 to 3 alone were served and therefore, I.A.No.518/07 filed by the petitioner in A.S.No.45/07, which now stands posted to 30.3.2007, is not likely to be heard on that day and that in the absence of any interim order restraining forcible eviction, it is apprehended that the respondents would evict them forcibly. The grievance of the petitioner is genuine.

In the result, I dispose of this writ petition directing the Sub Judge, Muvattupuzha to consider and pass appropriate orders on I.A.No.518/07

positively before closing of the courts on 13.4.2007, after hearing the counsel for the caveators. Till order is, thus, passed on I.A.No. 518/07, I direct the parties to maintain status quo as was in force at the time of disposal of the suit by the trial court. The petitioner is directed to produce a copy of this judgment before the trial court, at the earliest, so as to enable the Sub Judge, Muvattupuzha to pass appropriate orders, in compliance with the above direction. Issue copy of this judgment to the counsel for the petitioner on application as per Rules as expeditiously as possible.

27th March, 2007 (K.P.Balachandran, Judge)

tkv